

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ACUSHNET COMPANY, a Delaware
corporation

Plaintiff,

v.

G.I. JOE'S, INC., an Oregon corporation,

Defendant.

CV 05-764-HU

ORDER

G.I. JOE'S, INC., an Oregon corporation,

Third-Party Plaintiff,

v.

CAM GOLF, INC., an Illinois corporation,

Third-Party Defendant.

HAGGERTY, Chief Judge:

On August 18, 2006, Magistrate Judge Hubel issued a Findings and Recommendation in this action [71], in which the Magistrate Judge recommended that Third-Party Plaintiff G.I. Joe's Inc.'s. Motion for Summary Judgment [46] should be granted in part and denied in part. In view of the rulings on the motion for summary judgment, the Magistrate Judge also denied as moot the

discovery motions filed by G.I. Joe's, and G.I. Joe's request for attorneys fees and costs incurred in bringing the discovery motions. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts the Magistrate's Findings and Recommendation.

CONCLUSION

The Findings and Recommendation [71] is adopted in its entirety.

IT IS SO ORDERED.

Dated this 22 day of September, 2006.

/s/Ancer L.Haggerty

ANCER L. HAGGERTY
United States District Judge